THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 2088 of 2006

Date: 23-06-2006.

Between :

Rev. Mallavarapu Simeon.

…..Petitioner

And

The Superintendent of Police, Prakasam District & others.

…..Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 2088 of 2006

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

This is yet another case of a missing person. The petitioner is the father of one Miss. Mercy Snehalatha (hereinafter referred to as 'the detenue'). She was studying Intermediate Second Year in Umamaheswara Junior Residential College, Ongole, Prakasam District. On 03.11.2005, the petitioner received information from his brother stating that his daughter was missing from the college and his brother filed a complaint before respondent No.4 with regard to missing of the alleged detenue. It was registered as Crime No.337 of 2005 on 04.11.2005. He made enquiries from the friends of his daughter, but the petitioner could not get any clue. He had a suspicion that one D.Vijay Bhaskar son of D.Pentaiah, resident of G-1, BSNL Staff Quarters, KPHB Colony, Phase V, Kukatpally, Ranga Reddy District had

abducted his daughter. That person had also left his residential house and his parents are also not residing in the said house. With great difficulty, he could contact some persons connected to Vijay Bhaskar, but they did not give him any clues. It is submitted that said Vijay Bhaskar had two Cell phones and on a particular day, he had contacted his father. This information was given to the 4th respondent. Respondent No.4 had told him that the information be also given to Kukatpally Police Station and he had done it. The petitioner however, submits that he had come to know that Police wanted to arrest two persons namely K.P. Vijay Raju son of K.Prabhudas and K.Naveen Kumar son of K.Prabhakar, as they had knowledge about the kidnapping of the alleged detenue. The mothers of the above said two persons filed a writ of habeas corpus being Writ Petition No. 24236 of 2005, which was subsequently dismissed as withdrawn on 18.11.2005. Thereafter, the father and brother of D.Vijay Bhaskar filed Writ Petition No.25871 of 2005 against the Commissioner of Police, Hyderabad and others seeking a direction that the action of respondents in the writ petition in calling the petitioners to the Police Station was illegal. In the said writ petition, the Court has issued a notice.

It is submitted by the petitioner that there were no efforts made on the part of the respondents for taking

steps to trace the minor daughter of the petitioner. He made a representation to the Director General of Police on 02.12.2005, who directed the 1st respondent to look into the matter. Inspite of the orders of the Director General of Police, the respondents have not taken any steps to trace the alleged detenue. Against the backdrop of these facts, the petitioner seeks a writ of habeas corpus for production of Miss. Mercy Snehalatha.

By an order of this Court dated 01.03.2006, respondent No.5 i.e. the Principal, Umamaheswara Junior Residential College, Ongole, was added as a respondent and he has also filed a counter.

As usual, the Police have shown their inability in finding the person missing. The counter has been filed by Sub-Inspector of Police, Taluka Police Station, Ongole, Prakasam District. He accepted that a complaint had been filed about the missing girl. He also stated that on 04.11.2005 at about 11 a.m., he received a phone call from the college authorities stating that the alleged detenue
was not in the hostel from 02.11.2005 and was found missing on 03.11.2005. The A.S.I. of Police went to the hostel and examined the friends of the alleged detenue who were residing in the hostel and on examination, they

have stated that the alleged detenue hardly had any friends and she preferred to stay aloof, and she has never disclosed any of her problems. In the room which was occupied by the detenue, the A.S.I. found a bag of the missing girl, in which he found one visiting card of Dabeta Vijay Christian Youth. The card was seized by the Police. Father of the detenue was also examined. Since he was given information that D.Vijay Bhaskar could be the person having kidnapped the girl, the A.S.I. visited the house of Pentaiah, father of Vijay Bhaskar, but did not find Vijay Bhaskar in the house. The father of Vijay Bhaskar informed the Police that his son had informed him that he was going to Bangalore and he had not given any contact address and that he did not know the whereabouts of his son. One of the friends of the alleged suspect told the Police that the alleged detenue had intimacy with Vijay Bhaskar, but this friend had not seen Vijay Bhaskar after 03.11.2005.

The Police expressed their inability to get any clue with regard to the detenue. The visiting card which was found in the bag of the detenue had some telephone numbers and even after getting the information from BSNL with regard to those numbers, the Police
are not able to get any clue. The Police further said that they were making sincere efforts for tracing the alleged

detenue, who is missing along with the suspect and the efforts are still continuing.

Respondent No.5, who is Principal of Umamaheswara Junior College, Ongole, Prakasam District, has also filed the affidavit. The college is a residential college and minor students are being admitted to these colleges and put up in hostels with the sincere hope of the parents that their wards would be safe. This respondent stated that nothing had happened in the hostel or college premises and something had happened outside the premises and when the alleged detenue had left the hostel to come to college, she was taken away or had gone on her own.

There are dozens of cases pending, in which, people are missing and Police are not able to find the missing persons. In this view of the matter, we allow the writ petition and direct the Superintendent of Police, Prakasam District to take all measures that are necessary to locate the missing girl and produce her in the Court as and when found. He shall also depute an officer for the purpose of monitoring the progress in searching the girl and file a report before the Registrar (Judicial) of this Court every month.

We also direct the Government to look into the

matter as far as the 5th respondent-college is concerned. When a minor is admitted to a college which is a residential college, the college is supposed to take care of the security and well-being of the minors and if a student, who is a minor, is not traceable, what liability such colleges would have in the matter, and whether any action should be taken against such colleges or not, must be examined by the Government. Therefore, a copy of this order be also sent to the Chief Secretary to the Government of Andhra Pradesh for necessary action.

Petition is accordingly allowed.

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(BILAL NAZKI, J)

23rd June 2006

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(G. CHANDRAIAH, J)

N.B:
Copy of the order be communicated to the Chief Secretary to Government of A.P.

(B/o)

ajr